

EXHIBIT “8”

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|---|--|
| IN THE CIRCUIT COURT OF BARBOUR COUNTY, ALABAMA CLAYTON DIVISION | 1 offered in evidence, or prior thereto. 2 In accordance with Rule 5(d) of the 3 Alabama Rules of Civil Procedure, as amended, 4 effective May 15, 1988, I, April R. Bendinger, 5 am hereby delivering to MR. CONLEY KNOTT the 6 original transcript of the oral testimony taken 7 August 23, 2006, along with exhibits. 8 Please be advised that this is the same 9 and not retained by the Court Reporter, nor 10 filed with the Court. |
| CIVIL ACTION NUMBER CV-1997-01 | 11 12 13 14 15 16 |
| JOHNNY W. SASSER, Plaintiff, vs. RYDER TRUCK RENTAL, INC., D/B/A RYDER DEDICATED LOGISTICS, INC., A/K/A RYDER INTEGRATED LOGISTICS, INC., ET AL. Defendants. | 17 18 19 20 21 22 23 |
| DEPOSITION TESTIMONY OF: JOHNNY W. SASSER | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 |
| August 23, 2006 10:30 a.m. | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 |
| COURT REPORTER: APRIL R. BENDINGER, CSR | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 |
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| 1 S T I P U L A T I O N 2 IT IS STIPULATED AND AGREED by and 3 between the parties through their respective 4 counsel that the deposition of JOHNNY W. SASSER 5 may be taken before April R. Bendinger, Notary 6 Public, State at Large, at the Law Offices of 7 Amy Shumate, 519 South Oates Street, Dothan, 8 Alabama 36301 on August 23, 2006, commencing at 9 approximately 10:30 a.m. 10 IT IS FURTHER STIPULATED AND AGREED 11 that the signature to and the reading of the 12 deposition by the witness is waived, the 13 deposition to have the same force and effect as 14 if full compliance had been had with all laws 15 and rules of Court relating to the taking of 16 depositions. 17 IT IS FURTHER STIPULATED AND AGREED 18 that it shall not be necessary for any 19 objections to be made by counsel to any 20 questions, except as to form or leading 21 questions and that counsel for the parties may 22 make objections and assign grounds at the time 23 of trial or at the time said depositions is | 1 I N D E X 2 E X A M I N A T I O N B Y : P A G E N O . 3 Mr. Knott 6 4 Certificate 188 5 6 E X H I B I T I N D E X 7 DX-1 11 8 DX-1A 171 9 DX-1B 171 10 DX-2 20 11 DX-3 28 12 DX-4 31 13 DX-5 33 14 DX-6 36 15 DX-7 36 16 DX-8 39 17 DX-9 41 18 DX-10 41 19 DX-11 42 20 DX-12 43 21 DX-13 44 22 DX-14 45 23 DX-15 47 |

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1 hands, runs down in my legs, knees. I have
 2 frequent falls. My knees are completely gone.
 3 I've fell so many times, they say I now need
 4 a -- both knees replaced, and I cannot go
 5 through that due to my emphysema. I couldn't go
 6 through the therapy. It's never ending pain.
 7 I've got canal stenosis, which that's a topic
 8 all around, but that's a bad ordeal. Some days
 9 it's a lot worse than others. It's still -- has
 10 been there and has been the whole time. It's
 11 just the general pain that I've had the whole
 12 time: spasm, cramps, my legs and back and the
 13 discs. It never -- you know, it's not getting
 14 better, it's getting worse. And the pain is --
 15 it's there all the time. It never stops. I
 16 sleep in a hospital bed. You can change so many
 17 positions, but you get very little -- till you
 18 wake up again. It's just not good, you know,
 19 what I'm going through. The pain and the ordeal
 20 with my back, hands, cramps, spasms, knees,
 21 falls. And that about covers most of what was
 22 originally, and I still have it.

23 Q. Okay. I know that you've got some

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1 other health issues that you've been dealing
 2 with also just from the medical records I've
 3 looked over. So I want to make sure we know
 4 which ones -- I'll ask you which ones you
 5 believe are related. You've had some heart
 6 problems. Do you have any reason to believe
 7 that those are related to -- the heart problems
 8 you've had are related to the accident?

9 A. No, sir.

10 Q. How about the emphysema that you
 11 mentioned?

12 A. No, sir.

13 Q. Do any other major kind of health
 14 conditions that you've gotten treatment for come
 15 to mind that you can think of that you don't
 16 believe are related? You mentioned the heart
 17 disease and the emphysema. High blood pressure?

18 A. What other problems are you saying
 19 do I have that is not related to my injury?

20 Q. That's right. I'm just kind of
 21 trying to streamline it from the outset of the
 22 deposition.

23 A. You know. I've got emphysema, I've

1 got carpal tunnel. Surgery was done. But I
 2 guess that pretty well -- the heart problems and
 3 the emphysema is ruled out. The rest of it I'll
 4 say is related to my injury.

5 Q. Okay. Also, before we kind of
 6 start going through chronologically, currently
 7 what doctors are you seeing kind of on a regular
 8 or semi regular basis?

9 A. I'm seeing Dr. Charles Wood --
 10 he's just internal medicine -- Ozark, Alabama.
 11 I was seeing an orthopaedic surgeon that scoped
 12 and cleaned my knees out, but that's all he
 13 could do. He said knee replacement is out due
 14 to my lung problem.

15 Q. That's Dr. Granger?

16 A. Dr. Granger.

17 Q. Do you still consider yourself to
 18 kind of be under his care?

19 A. Ain't no need because the next
 20 step was knee replacement.

21 Q. Okay.

22 A. And I can't go through that due to
 23 my lung doctor, the pulmonary.

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1 Q. Okay. Are there any other doctors
 2 that you're still seeing now?

3 A. Just that one is all that I can
 4 afford.

5 Q. How about Dr. McGahan? What
 6 happened with him?

7 A. I have no -- and I'm answering
 8 truthful. I have no idea. Rumored, he moved
 9 away, way before anybody knew he did, to
 10 somewhere in north Alabama. I just -- I don't
 11 know what -- anyway, I know for a fact he moved
 12 his office. When it was his office, he worked
 13 maybe a half a day. And I could not never get
 14 to see him. He was just -- I didn't have a
 15 representing doctor as far as a company doctor,
 16 really, because he never worked. And when he
 17 did work, he wouldn't work but two or three
 18 hours and then he would be gone.

19 Q. How about Dr. Marsella? You're
 20 still seeing Dr. Marsella?

21 A. No, sir, I can't afford
 22 Dr. Marsella. I've still got a bill with
 23 Dr. Marsella. And when you lose your primary

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1 Q. Have you ever discussed it with
2 Dr. McGahan or anyone else?
3 A. No, sir. Dr. McGahan never showed
4 me any letter concerning --
5 Q. When I mentioned Dr. Wilson's
6 name, it seemed to -- or IntraCorp, one or the
7 other, it seemed to ring a bell with you. What
8 do you know about them?
9 A. They were the one that did the
10 peer review in May and July of 2004.
11 Q. And did you ever see the letter
12 prepared by IntraCorp and Dr. Wilson?
13 A. Not this one, no, sir.
14 Q. Okay. There is one attached by a
15 nurse, and this one would be by Dr. Wilson
16 himself, apparently. You've never seen this one
17 either?
18 A. No, sir.
19 Q. How did you -- how did you learn
20 about the IntraCorp peer reviews?
21 A. They did send me a copy of the
22 review in 2004.
23 Q. Who sent them to you?

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1 A. I guess it was Martye Lloyd or --
2 who knows? I got it -- it might have been
3 IntraCorp itself. I don't know.
4 Q. Okay. Was it this letter that you
5 received?
6 A. No.
7 Q. Okay.
8 A. I never received this letter.
9 Q. Okay.
10 A. This was '93 -- 2003.
11 Q. Okay. Did you ever have any
12 discussions with Dr. McGahan about any kind of
13 peer reviews?
14 A. He never discussed anything about
15 peer reviews. But that last letter that we got
16 before he went out of business in 2004, that's
17 when he commented about peer review.
18 Q. What letter was that?
19 A. It was just --
20 Q. Is it one that I've shown you or
21 is it different --
22 A. No, it's the last letter that
23 they -- I guess they mailed it in May of 2004

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1 and then -- might have been July. I can't
2 remember a date. But anyway, it was saying I
3 had to be precertified through them, is what the
4 gist of it was, before I could see a doctor.
5 Q. Okay. Dr. McGahan was relaying
6 that to you?
7 A. No, I relayed it to him. He
8 hadn't received anything yet.
9 Q. Because you had received --
10 A. -- a copy of that saying he had --
11 to make an appointment, I had to go through --
12 he had to call -- a nurse call through IntraCorp
13 and make my appointments through them.
14 Q. To get it precertified?
15 A. Right.
16 Q. What did Dr. McGahan say about
17 that when you told him that?
18 A. He said, well, we'll get Candy to
19 do it. That was his nurse.
20 Q. Okay. Did he seem like that was
21 something that -- I guess a type of thing or
22 procedure or whatever that he was familiar with?
23 A. He didn't -- sir, he didn't say

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1 nothing except he'd get the nurse to do it. But
2 then he left right after that, so I never knew
3 if he did or didn't. Or he never practiced
4 where I could see him.
5 Q. Okay.
6
7 (WHEREUPON, a document was marked
8 as Defendant's Exhibit Number 56 and is attached
9 to the original transcript.)
10
11 Q. (BY MR. KNOTT) We did 55 earlier
12 out of order so now we're skipping over that to
13 Defendant's Exhibit 56. This is another
14 document -- a different document on IntraCorp
15 letterhead dated May 10, 2004. The document on
16 top is labeled Nurse Summary Review. And a few
17 pages in there's another document labeled
18 Workers' Compensation Physician Advisory Review
19 dated May 2, 2004. Have you seen either one or
20 both of these documents ever before?
21 A. Never.
22 Q. Okay.
23